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In re Application of
Henrik Stender et al
Serial No.: 08/943,777
Filed: October 3, 1997
Attorney Docket No.: 35853.1

PETITION DECISION

This is a decision on the Petition under 37 CFR 1.181 to Withdraw Holding of Abandonment, filed by facsimile on April 22, 1999, due to non-receipt of an Office action.

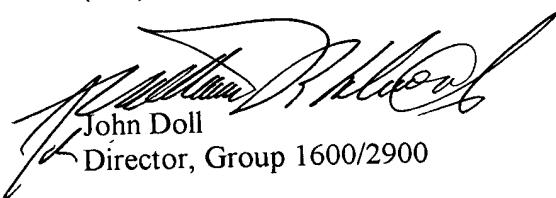
A review of the file history shows that the examiner mailed an Office action to applicants on September 14, 1998, setting a one month shortened statutory period for response. Upon failure to receive a response within six months the examiner contacted applicants regarding the abandonment of the application. Applicants responded prior to a Notice of Abandonment could be mailed seeking revival of the application. The application, however, is technically abandoned for failure to respond.

Applicant has provided a statement of non-receipt of the Office action and a showing which includes a copy of the docket report and a copy of the file wrapper which fails to show entries for receipt of the Office action. It is concluded that the Office action was not received.

The request is **GRANTED**. The application is restored to pending status with the mailing of this decision.

The Office action mailed September 14, 1998, is vacated and the application will be returned to the examiner for prompt remailing of the Office action.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Group 1600/2900, Washington, D.C. 20231, or by telephone at (703)308-3824 or by facsimile transmission at (703) 305-5408.


John Doll
Director, Group 1600/2900

15 June 1999